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In the Matter of

FAMILY BROADCASTING, INC.

Order to Show Cause Why the Licenses for  
Stations WSTX(AM) and WSTX-FM,  
Christiansted, U.S. Virgin Islands,  
Should Not Be Revoked

EB Docket No. 01-39

## ORDER

**Issued:** February 24, 2003

**Released:** February 26, 2003

Counsel for Family Broadcasting, Inc. ("Family") filed a Petition for Extraordinary Relief ("Petition") in which Family informs that it has entered into an agreement to assign the licenses for Stations WSTX(AM) and WSTX-FM to Caledonia Communication Corporation ("Caledonia") under the Commission's distress sale policy. If the proposed assignments can be approved by the Commission, it will eliminate the need for a hearing that was scheduled to commence on February 25, 2003.

The Petition represents that Family and Caledonia have agreed on a purchase price that is based on 75% of the average of two appraisals made by each party. The Presiding Judge has received copies of the appraisals, and the documents appear to be as represented. Also, counsel for the Enforcement Bureau ("Bureau") advise that they have been monitoring the negotiations and that the Bureau would favor holding the hearing in abeyance to permit Commission review of the transaction and a possible grant of authority to make the assignments.

The Commission has a policy which favors assignments that will improve the percentage of minority ownership of broadcast facilities.

[I]n order to further encourage broadcasters to seek out minority purchasers, we will permit licensees whose renewal applications have been **designated** for revocation hearing, or whose renewal applications have been designated for hearing on basic qualifying issues, but before the hearing is initiated, to transfer or assign their licenses at a "distress sale" price to applicants with a significant minority ownership interest, assuming the proposed assignee or transferee meets our other qualifications.

*See Minority Ownership of B/cing Facilities, 68 F.C.C. 2d 979,983 (1978). See also Commission Policy Regarding Advancement of Minority Ownership of B/cing, 92 F.C.C. 2d 849, 851 (1982) (further expediting distress sales “prior to the commencement of a hearing”).* However, before the pending hearing is terminated, the Commission by its designee Media Bureau, will review the proposed assignments in order to assure that the transferee is minority owned, and to further assure that the transferor receives no more than 75 % of the stations’ fair market value. The Commission also **must** authorize any license assignment aside from distress sale factors. See 47 C.F.R. 573.1150 (2001).

If the proposed assignment is not accepted by **the** Commission, **or** is not favorably acted upon by **May 26,2003, or** if Caledonia withdraws from the transaction, a prehearing conference will be called by the Presiding Judge and a new hearing date shall be set.’ Once the proposed assignments are authorized by the Commission, an appropriate request for termination of hearing shall be filed and submitted to the Presiding Judge.

### **Rulings**

Accordingly, IT IS ORDERED that the Petition **for** Extraordinary Relief being filed by Family Broadcasting, Inc., unopposed by the Enforcement Bureau, **IS GRANTED.**

IT **IS** FURTHER ORDERED that the hearing set for February **25,2003, IS CANCELLED AND HELD IN ABEYANCE** pending further Order.

FEDERAL COMMUNICATIONS COMMISSION<sup>2</sup>



Richard L. Sippel  
Chief Administrative Law Judge

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<sup>1</sup> In the event there is a petition to deny filed, that **would** be an unforeseen factor possibly requiring the period of abeyance to be further extended.

<sup>2</sup> Courtesy copies of this Order were e-mailed or faxed to counsel on date of issuance, including **Shelley** Sadowski, Esquire and Howard Braun, Esquire (counsel for Caledonia).